

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
CRIMINAL PETITION No.560 of 2013

ORDER:

None appears for the petitioner. There is no representation on behalf of the petitioner when his name is called.

The petitioner herein sought for quashing C.C.No.1503 of 2012 on the file of XI Additional Chief Metropolitan Magistrate at Secunderabad.

The 2nd respondent is the complainant. It is set out by him in his complaint that he was a retired Government employee and was residing at Nagireddy Colony, Old Bowenpally, Secunderabad and that on 01.08.2012 between 12.40 p.m. to 1.10 p.m. he went to military canteen along with his friend Sri Ramanjaneyulu and purchased certain canteen items and while he was proceeding to his home on his Honda Activa bearing No.AP 9AQ 0211 and upon reaching Soujanya Colony, a person riding a motor bike has overtaken him and stopped the vehicle and then threatened the complainant that while he was driving his vehicle he has not cared to stop his vehicle at a particular point, as a result an auto rickshaw with a view to avoid hitting his vehicle has taken an abrupt turn and in the process dashed against a woman, who fell on the road as she sustained fracture injuries and that she has been shifted to a hospital and hence demanded the complainant to pay at least Rs.20,000/- to meet the hospital expenditure. Because of the suddenness of the incident, the complainant could not keep his composure and immediately paid Rs.5,000/- as the person who has overtaken him was wearing a Kaki trouser and red jerkin and told him that he was a police constable. However, he later enquired enroute and found that there was no accident whatsoever involving an auto and woman, but

however he could not immediately complained to the police as he went away to Toofran on an urgent work where his daughter was living. However, on 05.08.2012 at about 11.00 a.m. while he was coming from Ranigunj to his residence, on the way at Ramgopalpet X road, he noticed and identified the said person who was in traffic police uniform wearing a red jerkin. On enquiry, a person told that he was a home guard attached to traffic police Station, Begumpet and his name is K.Ramesh Naik. Then the complainant approached the Ramgopalpet Police Station and informed about the incident that took place earlier. Then the Ramgopalpet police accompanied him and brought the person concerned to Ramgopalpet Police Station and informed the Bowenpally police station by phone. That is how the complainant could bring the individual to the police station.

The investigation was carried out, which revealed that the petitioner is working as a Home Guard attached to the Begumpet Police Station and then filed the charge sheet. Cognizance is taken for the offence under Sections 170, 384, 419 and 420 IPC.

The present petition is filed for quashing the charge sheet. It is submitted that the petitioner and the complainant have settled all their disputes and the complainant is not willing to prosecute the matter. It is now stated that the complainant by mistake filed a wrong complaint and identified a wrong person as the accused.

The statements made by the petitioner and the complainant are contradictory to each other. If there were any disputes in the past between the petitioner and the defacto complainant, the complainant could not have made a mistake with regard to the identity of the petitioner herein. At any rate, that cannot be factor for quashing the charge sheet and that is a matter of evidence, which the Court below will examine.

Hence, I do not see any reason for quashing the C.C.No.1503 of 2012 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad. Therefore, the petition is dismissed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

18.06.2015
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